

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION)))))	MDL NO. 1456 Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO ALL ACTIONS))))	Hon. Patti B. Saris

The J&J Defendants agree with Plaintiffs that the Court should schedule oral argument on their motions for summary judgment against Class 1. In fact, the J&J Defendants requested oral argument in their original motion papers. *See* Docket Nos. 6667, 6671.

In their request for oral argument Plaintiffs have included new arguments that were not included in their opposition papers. If the Court grants oral argument, the J&J Defendants will be prepared to address this new material at that time.

/s/ Andrew D. Schau

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CERTIFICATE OF SERVICE

I certify that on February 5, 2010 a true and correct copy of the foregoing was delivered via electronic service to all counsel of record pursuant to Case Management Order No. 2.

/s/ Andrew D. Schau

Andrew D. Schau